

The U.S. Constitution

Adaptation of Magruder's American Government, 2005 Edition

Chapter 3

A Survey of the U.S. Constitution

The Original Seven Articles and the Bill of Rights

1. How many Articles (major sections) and Amendments are there in the U.S. Constitution?

Seven original articles and 27 amendments (Amendments I through 10 are known as the Bill of Rights)

2. What is the topic of Article I?

The Legislative Branch (Congress)

Article I deals with the structure and powers of Congress

3. What is the topic of Article II?

The Executive Branch (The Presidency)

Article II deals with the qualification of, the election of, the duties of, and powers of the President of the United States

4. What is the topic of Article III?

The Judiciary Branch (The U.S. Supreme Court)

5. What is the major topic of Article IV?

Interstate relations

Article IV deals with the mutual responsibilities between the various states.

6. What is the major topic of Article V?

Amendment Process

Article V deals with the due processes for amending (i.e. changing) the U.S. Constitution. The Constitution has been amended 27 times, as of September 2013.

7. What is the major topic of Article VI?

The Supremacy of Federal Law

Article VI establishes that Federal law is the “supreme law of the land.”

8. What is the major of Article VII?

The Ratification Process for the U.S. Constitution.

Article VII establishes the process by which the U.S. Constitution would be approved (i.e. ratified) by the various states. This article requires that at least 9 states had to ratify the Constitution in order for the Constitution to be enacted and binding on those states ratifying it.

9. How many Amendments are there in the U.S. Constitution?

27. In a sense there are 26 in that the 18th Amendment has been repealed. But let's go with 27 because the Constitution has been amended 27 times.

10. What is the major content of the 1st Amendment?

The 1st Amendment establishes that Congress **cannot establish a religion**, cannot ban **freedom of religion**, cannot ban **free speech**, cannot ban **freedom of the press**, cannot ban the **right of assembly**, cannot ban the right of people to **petition the government with grievances**.

The 1st Amendment establishes the rights of individual people relative to government.

At first, the 1st Amendment only restricted the power of the federal government, but today, the 1st Amendment is applied in such a fashion that state and local governments have to respect the rights mentioned above.

11. What is the major content of the 2nd Amendment?

The **2nd Amendment** establishes that the people have the right “**to keep and bear arms,**” particularly in **militias** (state-run military organizations).

Interpreting the full meaning of the 2nd Amendment has been a source of great controversy. Some argue that the 2nd Amendment establishes a fundamental right for individuals to own **guns**. Others argue that the 2nd Amendment only guarantees the right of states to establish and maintain militias.

12. What is the major content of the 3rd Amendment?

The **3rd Amendment** prohibits government from **quartering** (lodging) **soldiers** in private homes during peacetime.

The 3rd Amendment doesn't have much application today, but it suggests to some that the 3rd Amendment implicitly reveals a larger **right of privacy**.

13. What is the major content of the 4th Amendment?

The **4th Amendment** protects individuals from **unreasonable searches and seizures** of homes and properties. The 4th Amendment also requires that search and seizure warrants be granted only when there is **probable cause** of a crime being committed.

The 4th Amendment is often cited in criminal cases, particularly the manner in which evidence has been obtained.

Some maintain that the 4th Amendment also points to a fundamental (though unwritten) **right of privacy** for individuals.

14. What is the major content of the 5th Amendment?

Among other things, the **5th Amendment** protects a person from **double jeopardy** (being tried more than once for the same crime) and **self-incrimination** (testifying and/or providing evidence that could be used to prosecute that person).

The “**right to remain silent**” is a **5th Amendment** right the individual enjoys.

15. What is the major content of the 6th Amendment?

The individual enjoys the right to a “**speedy and public trial**,” the right to a trial by jury, a trial in a local venue, the disclosures of the accusations and evidences being used against him, the right to defend oneself in a trial, and the right to obtain a lawyer to help him in his defense.

Basically, the **6th Amendment**---like the 5th Amendment---is devoted to the rights of the accused (the one being accused of a crime).

16. What is the major content of the 7th Amendment?

The **7th Amendment** requires that in civil cases involving disputes exceeding “**twenty dollars**,” that it be in a trial by jury. The 7th Amendment also requires that the trial, if in a federal court, be conducted according to the rules of **common law**.

17. What is the major content of the 8th Amendment?

The **8th Amendment** bans **excessive bails**, bans **excessive fines**, and bans **cruel and unusual punishments** in terms of people being accused of crimes and/or punished for crimes.

Like the 4th, 5th, and 6th Amendments, the 8th Amendment protects the rights of those accused of crimes.

18. What is the major content of the 9th Amendment?

The fact that several rights are **enumerated** (i.e. spelled out) in the Constitution, it doesn't mean that other rights don't exist.

In other words, there are other rights possessed by the people, even though they aren't listed in the U.S. Constitution.

19. What is the major content of the 10th Amendment?

The **10th Amendment** states that those rights not given to the **federal government**, or those rights not given to the States, are given to the states, or to the people themselves.

The **10th Amendment** is considered by some to be the **States' Rights Amendment**.

20. Collectively, the first ten amendments to the U.S. Constitution are known as what?

The Bill of Rights

Most of the amendments in the Bill of Rights protect the individual against the power of government.